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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,345	03/09/2004	Sridhar Krishnamoorthy	END920030147US1 (17238)	1976
23389 7590 12/23/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER BROOKS, MATTHEW L	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 12/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,345	<b>Applicant(s)</b> KRISHNAMOORTHY, SRIDHAR	
	<b>Examiner</b> MATTHEW L. BROOKS	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7,13,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,7,13,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 7, 13 and appropriate dependents are objected to because of the following informalities: Internet Enabled Equipment and Appliances is capitalized as if given special meaning? Appropriate correction is required.
2. Claims also have general problems for instance in claim 1, limitations (c), (e) and (f) all have “and” following the semicolon – this is not proper form.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 7, 13, 20 and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0016655 A1 (Joao).
5. With respect to **Claim 1**: Joao discloses
  - (a) creating a database containing a complete set of after sales service data, including a plurality of equipment service data elements; ( Fig 1, 10 and )

(b) providing an Internet web site for a user to access the database; (Joao [0026] "network")

(c) verifying that the user is authorized to access the database ([0027] "security");  
and

(d) providing the user with interactive, collaborative access to said manufacturer and to the database over the Internet, in a secure manner if the user is authorized to access the database ([0027] "security");

(e) interfacing Internet Enabled Equipment and Appliances triggered by a repair event to enable an Early Warning System to offer predictive and need based repair service ([0036] can obtain directly from "vehicle computer"; and wherein

(f) said access provides a direct information flow from field to a service department, a design department and a quality department ([0039] "transmit diagnostic report" equivalent to "information flow", and

(g) the user is a dealer/franchisee, and said access provides the dealer/franchisee with (i) previous repair and customer information as a service call is received, and said dealer/franchisee uses said access to enter technical and billing information, and to pass on field information to OEM department ([0033] diagnose and/or repair AND [0032] "clearing house" for billing).

6. **Claims 7 and 13** being the system and program for carrying out the above method steps are rejected under the same analysis as above claim 1.

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7. With respect to **claim 20**: Joao teaches:

wherein the plurality of equipment service data elements comprise data elements regarding at least one of: sales, customer history, equipment history, warranties, service calls, preventive maintenance, repairs, spare parts, accounts receivable, and accounts payable ( [0193] "Vehicle ownership history and [0032] "clearing house" "; further note this is all nonfunctional descriptive data and a wherein clause that lends no patentable weight);

the user is a service franchisee ([0028] are all examples of service franchisees allowed to access cpu; further note this is all non-patentable nonfunctional descriptive data)

the service data elements comprise: selling maintenance contracts, call management, franchisee management, spare parts sales, warranty management, and knowledge management ([0006] and [0007] "replace expensive parts further note this is all nonfunctional descriptive data); and

the method comprises the further steps of:

providing rules and conditions that help determine how a product repair is handled ([0008] vehicle maintenance information and [0033-34], further note this is non-functional as the data is never used) ; and

feeding information back, after a transaction is completed, to underlying systems that maintain product and service information ([0008] vehicle maintenance information and [0033-34], further note this is non-functional as the data is never used).

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8. With respect to **claim 21**: Joao teaches: further steps of: providing a main network for the manufacturer and a plurality of satellite networks (Fig 1); and the franchisee operating one of said satellite networks (Fig 1); and wherein: selected data transfer take place between the satellite network and said main network; the manufacturer has a plurality of nodes and each of the nodes is provided with a fully secured satellite space, where business operations can be performed (Fig 1); and the method is used for centralized and automated billing, warranty management, e-enabled price negotiations, centralized call management, web-based training for service franchisee, knowledge network for franchisee and solution database, spare parts management, service franchisee management, invoicing, and resource assignment based on skill sets (see entire doc for instance for billing - see Fig 1, 80 service payer computer).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 7, 13, 20-21 submitted 9/5/2008 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Patent Number 6,003,078 (Kodimer et al) – which clearly teaches early warning system and hubs.

B. EP 0 822 473 A2 30.07.1997 (Ogushi)

C. "How the Internet Works"; Relevant portions were sent.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB

12/20/2008

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629